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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SER LAO, as an individual and on behalf
of all others similarly situated,

Plaintiffs,

vs.

H & M HENNES & MAURITZ, L.P., a
New York limited partnership; and DOES
1 through 50, inclusive,

Defendants.

Case No. 5:16-cv-333 EJD

**DECLARATION OF MAX W. GAVRON IN
SUPPORT OF PLAINTIFF’S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: April 30, 2020

Time: 9:00 a.m.

Courtroom: 4, 5th Floor

Judge: Hon. Edward J. Davila

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DECLARATION OF MAX W. GAVRON

I, Max W. Gavron, declare as follows:

1. I am an attorney at law duly admitted to practice before all courts in the State of California and am a member of the law firm of the Diversity Law Group, P.C., one of the attorneys of record for Plaintiff Ser Lao ("Plaintiff"). I have personal knowledge of the matters set forth herein, and if called upon as a witness to testify thereto, I could and would competently do so.

2. My qualifications are as follows: I received a full-tuition scholarship, and graduated from Southwestern Law School in 2013, magna cum laude. I was in the top 5% of my class. During my time at Southwestern, I was a Notes and Comments Editor on the Southwestern Law Review. I also received awards for achieving the highest grade in my class in several courses. In 2012, I was a full-time extern, at the United States District Court for the Central District. Immediately after law school, I taught several courses at Southwestern, including Principles of Legal Analysis and Legal Methods. I taught those courses for approximately four years.

3. I practiced civil litigation at Haight Brown & Bonesteel LLP from approximately September 2013, through January 2016. I was third-chair in a federal court jury trial that resulted in a defense verdict in our client's favor on a \$21 million commercial breach of contract dispute. I also regularly litigated cases across the civil litigation spectrum, including employment matters.

4. From February 2016, through Fall 2017, I practiced at the international law firm of Arnold & Porter, which had recently merged with Kaye Scholer, LLP. I defended Fortune 500 companies in Multi-District Litigation primarily in the product liability sphere. I also successfully drafted an appellate brief in the Ninth Circuit resulting in the reversal of a summary judgment decision regarding trade secret issues, in addition to working in several other practice groups. *See Experian Info. Solutions v. Nationwide Marketing Servs. Inc.*, 893 F.3d 1176 (9th Cir. 2018).

1 5. From September 2017, through September 2017, I served as a law clerk to a
 2 Judge sitting on the United States District Court, Central District of California. I regularly
 3 prepared bench memoranda, on cases involving all types of civil litigation, including regularly
 4 working on wage and hour class actions.

5 6. I am currently an attorney at the law firm Diversity Law Group, P.C., an
 6 employment law firm that has handled numerous wage and hour class and individual actions, on
 7 both plaintiff and defense sides. My current practice focuses on employment matters involving
 8 both class actions, and single plaintiffs. The firm currently has cases in the Los Angeles
 9 Superior Courts, the Orange County Superior Courts, the San Diego County Superior Courts, and
 10 the United States District Courts for the Central, Northern, and Eastern Districts of California. I
 11 am currently handling numerous wage and hour class action lawsuits with the firm, including,
 12 but not limited to: *Agar v. Sensient Natural Ingredients, LLC* (Case No. CV-19-001906,
 13 Stanislaus County Superior Court); *Cunningham, et al. v. Diverse Business Solutions* (Case No.
 14 CIVDS1817095, San Bernardino County Superior Court); *Heredia v. Eddie Bauer LLC* (Case
 15 No. 16CV300475, United States District Court, Northern District of California); *Parsons v.*
 16 *Estenson Logistics, LLC* (Case No. 34-2019-00252929, Sacramento County Superior Court);
 17 *Wood v. Reeve Trucking Co., Inc.* (Case No. STK-CV-UOE-2018-0004414, San Joaquin County
 18 Superior Court); and *Coronel v. Pinnacle Agriculture* (Case No. 18CV004287, Monterey County
 19 Superior Court), among others.

20 7. On June 14, 2019, I argued two related cases in front of the Ninth Circuit Court of
 21 Appeals. One of them was *Rodriguez v Nike Retail Service Inc.*, Case No. 17-16866. On June
 22 28, 2019, the Ninth Circuit issued a published decision, reversing and remanding in favor of our
 23 clients. *Rodriguez v. Nike Retail Servs., Inc.*, 928 F.3d 810 (9th Cir. 2019).

24 8. I have also assisted the firm in numerous wage and hour class action mediations.

25 9. Each side has apprised the other of their respective factual contentions, legal
 26 theories and defenses, resulting in extensive arms' length negotiations taking place among the
 27 Parties, including one full day of mediation and a settlement conference before the Honorable
 28

1 Nathanael M. Cousins. Based on their own independent investigation and evaluation, the Parties
2 and their respective counsel are of the opinion that the Settlement for the consideration and on
3 the terms set forth in the Class Action Settlement Agreement are fair, reasonable, and adequate
4 and the settlement is in the best interests of the Settlement Class and Defendant in light of all
5 known circumstances and the expenses and risks inherent in litigation.

6 10. Plaintiff's counsel conducted extensive investigation and discovery, including
7 formal written discovery; contacting and interviewing then-putative class members; taking and
8 defending numerous depositions, including that of Plaintiff, Defendant's FRCP 30(b)(6)
9 Corporate Representatives, over 40 class members, and Plaintiff's expert; subpoenaing and
10 reviewing relevant records from third parties; exchanging class time and payroll data and
11 documents; and conducting expert discovery.

12 11. Plaintiff also believes in the fairness of the settlement that is based on factoring in
13 the uncertainty and risks to Plaintiff involved in not prevailing on his certified class claims at
14 trial and the possibility of appeals.

15 12. Plaintiff and Plaintiff's counsel are adequate representatives in that they have no
16 conflicts with the class and will adequately represent the class.

17 13. Plaintiff's counsel does not have any relationship with Legal Aid at Work or with
18 the Ali Forney Center.

19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct.

21 Executed on this 6th day of March, 2020, at Los Angeles, California.

22
23 /s/ Max W. Gavron

24 Max W. Gavron
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